

Hon. Timothy W. Dore
In Proceedings Under
Chapter 13
Hearing Date: August 18, 2021
Time: 9:30 AM
Response Date: August 11, 2021
Location: 700 Stewart St, Seattle,
WA 98101

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re

Beverly Jane Cary,

Debtor(s),

Chapter 13 Case No: 20-12450 TWD

NOTICE AND MOTION FOR ORDER
AUTHORIZING EMPLOYMENT OF
SPECIAL COUNSEL TO PURSUE
CLAIMS

NOTICE:

JUDGE: Timothy W. Dore

TIME: 9:30 AM

PLACE: 700 Stewart St, Seattle, WA 98101

DATE: August 18, 2021

IF YOU OPPOSE the Motion, you must file your written response with the court clerk, and deliver copies to the undersigned NOT LATER THAN THE RESPONSE DATE, which is August 11, 2021.

IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion, GRANT THE MOTION PRIOR TO THE HEARING WITHOUT FURTHER NOTICE, and strike the hearing.

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Law Office of Mark McClure, P.S.
1103 West Meeker Street, Ste 101
Kent, WA 98032
(253) 631-6484

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MOTION

The Debtor, by and through counsel, moves the court for an order authorizing employment of the Law Firm of Mark C. McClure, PS and Henry & DeGraaff, PS (“Law Firms”) as special counsel. for the purpose of pursuing any and all claims resulting from a dispute with Patch Homes, Inc, Patch Services LLC, Patch Capital Partners Fund I, LP, Jordan Breighner, Adam Hitchcock, Sundeep Ambati, and First American Title Insurance Co., for violations of the Distressed Property Statute, RCW 61.34 et seq, and for violations of the Washington State Consumer Protection Act under RCW 19.86 et seq.

1. Debtor has claims resulting from a dispute with Patch Homes, Inc, Patch Services LLC, Patch Capital Partners Fund I, LP, Jordan Breighner, Adam Hitchcock, Sundeep Ambati, and First American Title Insurance Co., for violations of the Distressed Property Statute, RCW 61.34 et seq, and for violations of the Washington State Consumer Protection Act under RCW 19.86 et seq.
2. Upon retaining special counsel, debtor has executed a retainer agreement that provides the attorneys with a security interest in the proceeds of any recovery from debtor’s claims.
3. The retainer agreement is a contingent fee agreement. A true and correct copy of this fee agreement is attached hereto as **Exhibit A**.
4. In the event that settlement is non-monetary, i.e. a reduction in principal and/or interest, so that there are insufficient monetary funds to pay special counsels’ fees, Debtor assigns a property interest by executing a 10 year note which accrues interest at the annual rate of secured by a Deed of Trust against her property located at 27834 31st Pl S. Auburn, WA 98001.

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5. Counsel understand that the ultimate fee that they may be awarded, regardless of the rate of compensation approved on this motion, at the conclusion of their service, is subject to the Court's approval pursuant to the limitations as set forth in §§ 328, 330, 504 and otherwise under the U.S. Bankruptcy Code.

WHEREFORE, Applicant prays that she be authorized to employ counsel above to render services in the areas described above with compensation to be paid as an administrative expense in such amounts as this Court may hereinafter determine from the proceeds (including reduction of claim) any settlement or award related to the subject claim(s).

DATED: July 23, 2021

/s/ Mark McClure

Mark C. McClure, WSBA # 24393
Attorney for Debtor(s)

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